

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

v.

JOHN WESLEY MITCHEM

Defendant.

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CASE NO. 5:20-CR- 44

VIOLATIONS:

18 U.S.C. § 2252A(a)(2)(A)

18 U.S.C. § 2252A(a)(5)(B)

18 U.S.C. § 2253

THE GRAND JURY CHARGES:

COUNT ONE

[Distribution of Child Pornography – 18 U.S.C. § 2252A(a)(2)(A)]

On or about March 12, 2020, in the Macon Division of the Middle District of Georgia,
the defendant,

JOHN WESLEY MITCHEM,

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by a Samsung cellular phone, Model: SM-S767VL, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT TWO

[Possession of Child Pornography – 18 U.S.C. § 2252A(a)(5)(B)]

On or about March 13, 2020, in the Macon Division of the Middle District of Georgia,
the defendant,

JOHN WESLEY MITCHEM,

knowingly possessed a Samsung cellular phone, Model: SM-S767VL, that contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not

limited to visual depictions of minors who had not attained twelve (12) years of age, engaged in sexually explicit conduct, that had been transported in and affecting interstate commerce by means of a cellular phone, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FORFEITURE NOTICE
[18 U.S.C. § 2253 - Criminal Forfeiture]

1. The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference into this Notice for the purpose of alleging forfeiture to the United States of America, pursuant to the provisions of Title 18, United States Code, Section 2253.

2. Upon conviction of the offense(s) in violation of Title 18, United States Code, Section 2252A(a)(2)(A) set forth in Count One, and/or Title 18, United States Code, Section 2252A(a)(5)(B) set forth in Count Two of this Indictment, the defendant, **JOHN WESLEY MITCHEM**, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 2253:

- (a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 . . . or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- (b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and
- (c) Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense(s), or any property traceable to such property.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon exercise of due diligence;
- (b) has been transferred, sold to or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL.

/s/ Foreperson of the Grand Jury
FOREPERSON OF THE GRAND JURY

Presented by:

CHARLES E. PEELER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Alex Kalim', written over a horizontal line.

ALEX KALIM
ASSISTANT UNITED STATES ATTORNEY

Filed in open court this 15 day of October, 2020.

A handwritten signature in black ink, appearing to read 'C. Alston', written over a horizontal line.

Deputy Clerk